

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 17275 of 2013
Date of Decision: 25.2.2016.

Bhakthawar Singh

.....Petitioner

Versus

Bhakra Beas Management Board and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.S.Rana, Advocate
for the petitioner.

Mr. Naveen Chopra, Advocate
for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the reply dated 21.6.2013 (Annexure P-7).

Learned counsel for the petitioner has submitted that the case of the petitioner is covered by the decision given by this Court in CWP No. 2371 of 2010 decided on 31.8.2010 Annexure P-8.

Learned counsel for the respondents has failed to controvert the submissions made by the learned counsel for the petitioner.

This Court while allowing CWP No. 2371 of 2010 has observed as under:-

“From the above discussion, we have come to the

conclusion that the entire daily wage service of the petitioner from 1988 till the date of his regularization is to be counted as qualifying service for the purpose of pension. He will be deemed to be in govt. service prior to 1.1.2004. The new Re-structured Defined Contribution Pension Scheme (Annexure P-1) has been introduced for the new entrants in the Punjab Government Service w.e.f. 01.01.2004, will not be applicable to the petitioner. The amendment made vide Annexure P-2 amending the Punjab Civil Services Rules, cannot be further amended by issuing clarification/instructions dated 30.5.2008 (Annexure P-3). The petitioner will continue to be governed by the GPF Scheme and is held entitled to receive pensionary benefits as applicable to the employees recruited in the Punjab Govt. Services prior to 1.1.2004.

In view of the above, the writ petition is allowed. Accordingly respondents are directed to treat the whole period of work charge service as qualified service for pension because accordingly to clarification issued on 30.5.2008 (Annexure P-3), the new defined Contributory Pension Scheme would be applicable to all those employees who have been working prior to 1.1.2004 but have been regularized thereafter. Let his pension and arrears be calculated and paid to him expeditiously, preferably within a period of three months from the date of receipt of copy of this order ”

Accordingly, this petition is disposed of in terms of the

decision given by this Court in CWP No. 2371 of 2010 decided on 31.8.2010.

**(SABINA)
JUDGE**

February 25, 2016
Gurpreet